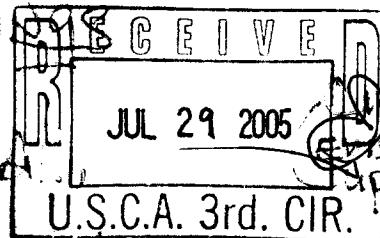


In the United States Court of Appeals
for the Third Circuit

(ID: X7, B38.)

Date 7-25-2005.

PRESTON CATCHINGS VS
MR. OZER ET AL.

U.S.C.A. 3rd. Cir.

CIVIL ACTION NO. 04-159 ERIC
EVIDENCE AND ORDER WILL BE BUREAU
UPON RECEIPT OF NOTICE OF APPEAL

Notice of Appeal to the Court of Appeal from a Order of the District Court

Notice is hereby given that PRESTON CATCHINGS B#8956, the plaintiff, versus MR OZER ET AL., in the above named case, CIVIL ACTION NO. 04-159 ERIC County, hereby appeal to the United States Court of Appeal, for the third circuit from Memorandum Order. And now this 27th day of June 2005. IT IS HEREBY ORDERED that the defendant's Motion to Dismiss (Doc#19) is GRANTED. The ORDER GOES ON to state. MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION filed May 26, 2005 recommends that defendant Motion to Dismiss be GRANTED, that the parties were allowed (10) days from the DATE OF SERVICE to file OBJECTIONS. Service was made on Plaintiff, NO OBJECTION were filed.

Plaintiff states to this court's review, that he filed objections, to the defendant's Motion to Dismiss, the caption of the pleadings read "Motion In Opposition to Defendants Motion to Dismiss, and Addendum to the Motion for Summary Judgment, with Amendment to the Complaint.

Plaintiff's petitioning was rejected thrice and returned stating you must submit (8) copies, one for each defendant, none responded, by resending the motion listing discrimination of indigent, inmates by prison officials, the court would not execute Plaintiff's pleading. 28 U.S.C 31915(b) if a prisoner does not have sufficient funds, will not be prohibited from proceeding.

B#8956